HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
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HOUSE RESEARCH ORGANIZATION

daily floor report

Saturday, May 20, 2017
85th Legislature, Number 76
The House convenes at 10:30 a.m.

Thirty-five bills are on the daily calendar for second-reading consideration today. Those analyzed or digested in Part One of today's *Daily Floor Report* are listed on the following page.

Dwayne Bohac
Chairman
85(R) - 76

HOUSE RESEARCH ORGANIZATION

Daily Floor Report
Saturday, May 20, 2017
85th Legislature, Number 76

SUBJECT: Expediting application review for certain water rights amendments

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 8 ayes — Larson, Phelan, Ashby, Frank, Kacal, Lucio, Price, Workman

0 nays

3 absent — Burns, T. King, Nevárez

SENATE VOTE: On final passage, April 18 — 31-0

WITNESSES: *On House companion bill, HB 2894:*
For — Carlos Rubinstein; (*Registered, but did not testify*: Julie Williams, Chevron; Bill Oswald, Koch Companies; Trace Finley, Seven Seas Water; Jason Skaggs, Texas and Southwestern Cattle Raisers Association; Stephanie Simpson, Texas Association of Manufacturers; Stephen Minick, Texas Association of Business; Martha Landwehr, Texas Chemical Council; Kyle Frazier, Texas Desalination Association; Billy Howe, Texas Farm Bureau; Cory Pomeroy, Texas Oil and Gas Association; Perry Fowler, Texas Water Infrastructure Network (TXWIN); Karen Munoz)

Against — Christopher Mullins, Sierra Club; (*Registered, but did not testify*: Tom Glass, League of Independent Voters)

On — Lisa Halili, Prestige Oyster Inc.

BACKGROUND: Water Code, sec. 11.122 requires all water right holders to obtain an amendment to the water right if the holder wants to change the place of use, purpose of use, point of diversion, rate of diversion, acreage to be irrigated, or otherwise alter the water right.

Government Code, sec. 2003.047 allows the Texas Commission on Environmental Quality (TCEQ) to delegate the responsibility to hear contested matters to the State Office of Administrative Hearings.

DIGEST: SB 1430 would provide a water right holder who began using desalinated

seawater with expedited consideration of a water right amendment application. This could occur only if the amendment did not authorize the diverted water to be transferred to another river basin but did authorize the applicant to divert water:

- from a new diversion point at an amount that was equal to or less than the amount of desalinated water used by the applicant;
- from all authorized diversion points at an amount that was equal to or less than the amount originally authorized; and
- from all authorized diversion points at a combined rate that was equal to or less than the rate originally authorized.

The executive director of the Texas Commission on Environmental Quality (TCEQ) would have to prioritize the technical review of these applications over the technical review of other applications.

An administrative law judge would be required to complete a contested proceeding and provide a decision proposal to TCEQ not later than the 270 days after the date of referral.

This bill would take effect September 1, 2017, and would apply only to an application for an amendment to a water right that was filed with TCEQ on or after that date.

SUPPORTERS SAY:

SB 1430 would incentivize water desalination in Texas by providing a mechanism for existing water right holders using desalinated water to maximize the use of their allocated surface water rights. The Texas Commission on Environmental Quality would maintain proper regulatory oversight regarding expedited applications, and the 270-day period for decision proposals would provide adequate time for the review of any potential issues.

OPPONENTS SAY:

SB 1430 would impose a strict 270-day time limit on administrative law hearings of contested amendment applications, which could prevent careful consideration of all issues that exist in certain circumstances. This could run counter to the purpose of the application process, which is to ensure the protection of the state's surface water resources.

NOTES: A companion bill, HB 2894 by Lucio, was reported favorably by the House Natural Resources Committee on April 27 and placed on the General State Calendar for May 10.

SUBJECT: Expanding uses of the floodplain management account

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 8 ayes — Larson, Phelan, Ashby, Burns, Frank, T. King, Lucio, Price

0 nays

3 absent — Kacal, Nevárez, Workman

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 3746:*
For — (*Registered, but did not testify:* Jesse Ozuna, City of Houston Mayor's Office; Myron Hess, National Wildlife Federation; Christopher Mullins, Sierra Club; Randy Chelette; Ron Suchecki)

Against — None

On — (*Registered, but did not testify:* Robert Martinez, Texas Commission on Environmental Quality; Robert Mace, Texas Water Development Board)

BACKGROUND: Water Code, sec. 16.3161 governs the floodplain management account, which is a special fund in the state treasury outside the general revenue fund. The fund is composed of money appropriated to the Texas Water Development Board, gifts or grants, and the first $3.05 million of insurance maintenance taxes collected each fiscal year. The board may use the account to aid, advise, and coordinate the efforts of local governments seeking to qualify for the National Flood Insurance Program.

DIGEST: SB 1538 would authorize the Texas Water Development Board to use the floodplain management account to fund any activities related to:

- the collection and analysis of flood-related information;
- flood planning, protection, mitigation, or adaptation; or

- educational or outreach programs providing flood-related information.

The bill would take effect September 1, 2017.

SUPPORTERS SAY:

SB 1538 would expand the allowable uses of funds in the floodplain management account. This expansion would allow the Texas Water Development Board to fund flood gauges and to receive financial assistance for installing early-warning systems, which are critical to local communities in Texas.

OPPONENTS SAY:

No apparent opposition.

NOTES:

A companion bill, HB 3746 by Phelan, was approved by the House on May 10.

SUBJECT: Safety inspections for commercial fleet vehicles and certain trailers

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Morrison, Martinez, Burkett, Y. Davis, Goldman, Minjarez, Phillips, Simmons, E. Thompson, Wray

1 nay — Israel

2 absent — Pickett, S. Thompson

SENATE VOTE: On final passage, May 1 — 31-0

WITNESSES: *On House companion bill, HB 946:*
For — (*Registered, but did not testify*: Jason Winborn, AT&T; Chuck Mains, Boating Trades Association of Metropolitan Houston; June Deadrick, CenterPoint Energy; Felicia Wright, Texas Association of Builders; Scott Norman, Texas Association of Builders; Miranda Goodsheller, Texas Association of Business; Mark Borskey, Texas Recreational Vehicle Association)

Against — None

On — Jeremiah Kuntz, Texas Department of Motor Vehicles; (*Registered, but did not testify*: Marc Williams, Texas Department of Transportation; Pablo Luna, Texas Department of Public Safety)

BACKGROUND: Transportation Code, ch. 548 requires most vehicles to undergo a safety inspection covering various equipment, such as brakes, headlights, mirrors, tires, seat belts, and window tint.

Some observers note that certain vehicles in commercial fleets that are subject to periodic safety inspections also are required to be inspected under the state's vehicle inspection program in ch. 548.

DIGEST: SB 1001 would allow a mandated safety inspection of a fleet vehicle to be conducted by an inspector qualified under federal law and employed or

acting as an agent of a commercial fleet.

The bill would increase the weight at or below which a trailer, semitrailer, pole trailer, or mobile home was not subject to state-mandated inspection from 4,500 pounds to 7,500 pounds. However, a vehicle weighing more than 4,500 pounds but no more than 7,500 pounds would be subject to an additional $7.50 fee charged upon registration of the vehicle. Of this fee, $3.50 would go to the Texas Mobility Fund, $2 would go to the general revenue fund, and $2 would go to the Clean Air Account.

This bill would take effect September 1, 2017.

NOTES:

According to the Legislative Budget Board's fiscal note, this bill would not have a significant fiscal implication to the state because revenue from the new $7.50 fee would be offset by the loss of inspection revenue from the additional vehicles exempted by weight.

A companion bill, HB 946 by Paul, was reported favorably by the House Committee on Transportation on May 2.

SUBJECT: Specifying requirements for the operation of autonomous vehicles

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Morrison, Martinez, Burkett, Y. Davis, Goldman, Israel, Minjarez, Simmons, E. Thompson, Wray

1 nay — Phillips

2 absent — Pickett, S. Thompson

SENATE VOTE: On final passage, April 27 — 31-0

WITNESSES: For — John T. Montford, General Motors; Jim Grace, Waymo, LLC; (*Registered, but did not testify*: Jason Winborn, AT&T; Laird Doran, Gulf States Toyota, Inc.; Melody Clark, Lockheed Martin Corporation; Caroline Joiner, TechNet; Stephanie Simpson, Texas Association of Manufacturers; Lori McMahon, Toyota Motor North America)

Against — None

On — John McCraw, Texas Trial Lawyers Association; (*Registered, but did not testify*: Jeremiah Kuntz, Texas Department of Motor Vehicles; Jeff Graham, Texas Department of Transportation)

DIGEST: SB 2205 would explicitly allow an automated motor vehicle to operate on highways in the state of Texas, with or without a human operator, provided that the vehicle was:

- capable of operating in compliance with traffic laws;
- equipped with a recording device that may record velocity, location data, steering or brake performance;
- compliant with federal law and federal motor vehicle safety standards;
- registered and titled in accordance with Texas law; and
- covered by liability insurance or otherwise self-insured in accordance with existing Texas law.

The bill also would provide that when an automated driving system capable of operating without a human driver was active, the owner of the system was considered to be the operator of the vehicle for the purpose of assessing compliance with traffic laws, regardless of whether the person was physically in the vehicle. The vehicle or any human operator would be required to comply with certain existing provisions of law relating to duties of a driver following an accident.

The bill would prohibit a political subdivision of the state or a state agency from imposing a franchise or other regulation relating to the operation of an automated vehicle or system. Additionally, the bill would provide that automated vehicles and driving systems capable of operating without a human driver would be governed exclusively by the provisions created in the bill, aside from specific exceptions, such as insurance and accident-related duties mentioned above.

The bill would take effect September 1, 2017, and would apply only to certain autonomous vehicles capable of performing the entire dynamic driving task.

SUPPORTERS SAY:

SB 2205 would allow manufacturers and developers of autonomous cars the regulatory certainty needed to test vehicles on Texas roads while also preserving public safety. Autonomous cars still would be required to meet all federal and state safety standards, which they already have a strong incentive to exceed in order to keep a positive impression in the minds of consumers. This bill would help entities creating self-driving cars develop and test their vehicles with a full understanding of the regulatory obligations they must fulfill, without imposing onerous or detrimental requirements that would inhibit the development of the technology.

The bill does not need to impose greater insurance requirements because the damage that could be caused by an autonomous vehicle would not be greater than damage caused by a human driver, and thus higher limits than what is currently required of a human driver are not needed. In any case, autonomous vehicles have proven thus far to be more safe than human drivers and should become even safer as the technology develops.

OPPONENTS SAY:

The Legislature should not establish regulations that could inhibit the development of an emerging technology. The technology could develop beyond what is currently foreseen and the regulatory framework established by the bill could prove limiting. Instead, Texas should allow the market to regulate itself to the extent possible.

OTHER OPPONENTS SAY:

SB 2205 should increase the requirements for insurance beyond the standard insurance required for an ordinary driver. There is a possibility that vehicles could be retrofitted with autonomous technology by smaller companies that may be unable to pay for damages caused by mistakes made by their autonomous vehicles. Therefore, the bill should require higher policy limits so that drivers are not harmed and then not compensated.

SUBJECT: Penalizing noncompliance with workforce training reporting requirements

COMMITTEE: Economic and Small Business Development — favorable, without amendment

VOTE: 8 ayes — Button, Bailes, Deshotel, Hinojosa, Leach, Metcalf, Ortega, Villalba

0 nays

1 absent — Vo

SENATE VOTE: On final passage, April 3 — 31-0

WITNESSES: No public hearing

BACKGROUND: Labor Code, sec. 303.003 allows public community and technical colleges, community-based organizations, and the Texas Engineering Extension Service to use funds from the Skills Development Fund to develop customized training programs for businesses and trade unions.

Sec. 303.004 requires the Texas Higher Education Coordinating Board to biennially review all customized training programs created with money from the Skills Development Fund. An institution providing such a workforce training program by October 1 of every even-numbered year must submit to the Texas Workforce Commission a detailed written report reviewing the program to determine the program's effectiveness in improving the wages of participants and identify strategies for improving workforce training and economic development.

DIGEST: SB 634 would require any institution that failed to submit a required Skills Development Fund workforce training program report to the Texas Workforce Commission to refund to the comptroller any state funds received in the fiscal biennium in which a report was due.

The bill also would prohibit the commission from awarding additional grants to an institution that failed to submit a required Skills Development

Fund workforce training program report until the institution had complied with the reporting requirement.

The bill would take effect September 1, 2017, and would apply only to reports due on or after October 1, 2018.

SUPPORTERS SAY:

SB 634 would make administration of the Skills Development Fund more effective by providing an enforcement mechanism for adherence to reporting guidelines already required in statute. Requiring institutions to return funds if they failed to comply with the reporting requirements would ensure that each workforce training program subsidized by the Skills Development Fund was subject to regular evaluation and strategic adaptation.

OPPONENTS SAY:

No apparent opposition.

SUBJECT: Changing governance and abilities of a Jeff Davis County water district

COMMITTEE: Special Purpose Districts — favorable, without amendment

VOTE: 7 ayes — Murphy, Perez, Bell, Cortez, Cosper, Lang, Schubert

0 nays

SENATE VOTE: On final passage, April 19 —30-1 (V. Taylor), on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 3126:*
For — Janet Adams, Jeff Davis County Underground Water Conservation District

Against — (*Registered, but did not testify:* Jim Baxa)

BACKGROUND: The Jeff Davis County Underground Water Conservation District was created in 1993 to serve a public use and benefit. The boundaries of the district are coextensive with the county. The district is governed by a five-member board of directors who are appointed by the commissioners court. The district does not have the authority to levy or collect taxes.

The enabling legislation of the Jeff Davis County Underground Water Conservation District is contained in session code in ch. 641, Acts of the 73rd Legislature.

Water Code, ch. 36 governs groundwater conservation districts (GCDs). Sec. 36.205 allows a GCD to set fees for administrative acts of the district, such as filing applications. A district also may assess production fees based on the amount of water permitted to be withdrawn from a well. Production fees may not exceed $1 per acre-foot of water used for agricultural purposes or $10 per acre-foot of water used for any other purpose.

One acre-foot of water is equal to 325,851 gallons.

DIGEST:

SB 964 would repeal the enabling legislation of the Jeff Davis County Underground Water Conservation District (ch. 641, Acts of the 73rd Legislature) and add Special District Local Laws Code, ch. 8891 to govern the district. The bill also would specify that the district had the rights, functions, and duties applicable to a groundwater conservation district under Water Code, ch. 36.

The bill would allow the district to issue a production fee of up to 17 cents per 1,000 gallons for water used for any purpose other than agricultural purposes.

SB 964 would specify that the legal notice of the intention to introduce the bill was furnished to all required persons, agencies, officials, or entities.

The bill would take effect September 1, 2017.

SUPPORTERS SAY:

SB 964 would resolve statutory conflicts related to the Jeff Davis County Underground Water Conservation District's governing authority by bringing the district under the governance of Water Code, ch. 36. Currently, there is confusion as to whether the district should follow ch. 36 or ch. 49, governing all general law districts under the Water Code, which wastes valuable time and resources.

While the bill would give the water district the authority to raise production fees, the district does not plan to use that authority at this time.

OPPONENTS SAY:

SB 964 would increase the government impact of the Jeff Davis Underground Water Conservation District by allowing the district to increase burdensome fees. Water district regulation of the water underneath a person’s property is a violation of property rights, and this bill could further the reach of this district.

NOTES:

A companion bill, HB 3126 by Nevárez, was reported favorably by the House Committee on Special Purpose Districts on April 20.

SUBJECT: Requiring HHSC to give mental health services to certain sex offenders

COMMITTEE: Human Services — favorable, without amendment

VOTE: 6 ayes — Raymond, Klick, Miller, Minjarez, Rose, Wu

3 nays — Frank, Keough, Swanson

SENATE VOTE: On final passage, April 4 — 30-1 (Schwertner)

WITNESSES: No public hearing

BACKGROUND: Health and Safety Code, ch. 841 governs the civil commitment of sexually violent predators (SVPs) and requires the Texas Civil Commitment Office (TCCO) to contract with entities to provide supervised housing and sex offender treatment programs to SVPs. Sec. 841.0835 requires the Health and Human Services Commission to coordinate with TCCO to provide psychiatric services, disability services, and housing for a committed person with an intellectual or developmental disability, a mental illness, or a physical disability that prevents the person from effectively participating in TCCO's sex offender treatment program.

Ch. 574 allows a court to issue an order for a person to receive mental health services if the person has a mental illness and presents a substantial risk of serious harm to themselves or others.

DIGEST: SB 613 would require the Health and Human Services Commission (HHSC) to provide inpatient mental health services for a civilly committed sexually violent predator (SVP) whom the Texas Civil Commitment Office (TCCO) determined was unable to effectively participate in its sex offender treatment program because of the person's mental illness. This would apply to SVPs whose mental illness prevented them from understanding and internalizing the concepts presented by the program's treatment material. HHSC would provide the services until the person was able to participate effectively in the sex offender treatment program.

The bill would provide that a person who was adjudicated as an SVP under the bill and who had a mental illness that prevented effective participation in TCCO's sex offender treatment program presented a substantial risk of serious harm to the person or others for the purposes of Health and Safety Code, ch. 574, which governs court-ordered mental health services.

The bill would take effect September 1, 2017.

SUPPORTERS SAY:

SB 613 would clarify existing law by requiring the Health and Human Services Commission (HHSC) to provide inpatient mental health services specifically to sexually violent predators (SVPs) who were unable to participate in the Texas Civil Commitment Office's (TCCO's) sex offender treatment program due to a mental illness that prevented them from understanding the program's concepts.

The Texas Civil Commitment Center, which is the facility contracted with TCCO to provide supervised housing and sex offender treatment programs to SVPs, is not equipped to function as an inpatient psychiatric facility because it lacks staff and accreditation to treat these individuals. Some state mental health hospitals also have refused to treat SVPs that are eligible to receive inpatient mental health services. The lack of intensive psychiatric care for these individuals imposes liability risks on TCCO if SVPs harm themselves or others. Keeping offenders in a treatment program that they cannot understand or complete also may leave the state vulnerable to lawsuits challenging the program's constitutionality.

The bill would affect only a small percentage of the total available state mental health hospital beds and would not significantly impact the cost of providing state hospital services to other patients. HHSC also already has received state funding to provide inpatient mental health services. The bill is necessary for alleviating TCCO's risk of liability and for ensuring SVPs receive the specialized treatment they need.

OPPONENTS SAY:

Creating a special category of individuals who could receive inpatient mental health services at state mental health hospitals would exclude other patients who are on hospitals' often lengthy admission waitlists and delay them from receiving mental health treatment.

SUBJECT: Addressing municipal regulation of manufactured home communities

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 6 ayes — Herrero, Bell, Bailes, Blanco, Faircloth, Stucky

0 nays

1 absent — Krause

SENATE VOTE: On final passage, April 19 — 31-0

WITNESSES: None

DIGEST: SB 1248 would limit a municipality's ability to make changes to the nonconforming use of a manufactured home lot and to regulate a manufactured home community. It also would allow a municipality to prohibit manufactured homes from being installed on a floodplain in certain circumstances.

The bill would prohibit a municipality from requiring a change in the nonconforming use of a manufactured home lot in a manufactured home community if the nonconforming use of land where the community was located was authorized by law and at least 50 percent of the home lots in the community were physically occupied by a manufactured home used as a residence.

Requiring a change in the nonconforming use would include:

- requiring the number of manufactured home lots designated as a nonconforming use to be decreased; and
- declaring that the nonconforming use of the manufactured home lots had been abandoned if the lot had been continuously abandoned for less than 12 months.

SB 1248 would allow a manufactured home owner to install a new or used manufactured home or home accessory on a manufactured home lot

located in a community for which a nonconforming use was authorized by law, if the installation complied with:

- nonconforming land use standards — including those relating to separation, setback distances, and lot size — applicable on the date the nonconforming use of the land was authorized; and
- all applicable state and federal law and standards in effect on the date of installation.

The bill would prohibit a municipality from regulating a tract or parcel of land as a manufactured home community, park, or subdivision unless it contained at least four spaces offered for lease for installing and occupying manufactured homes.

SB 1248 would allow a municipality that prohibited the construction of new single-family residences or additions to existing single-family residences on a site in a designated floodplain to also prohibit the installation of a manufactured home on a lot in a manufactured home community that was in an equivalently designated floodplain.

The bill would take effect September 1, 2017.

SUPPORTERS SAY:

SB 1248 would protect the property rights of manufactured home community owners and their tenants by preventing municipalities from adopting policies aimed at eliminating all or portions of these communities. Some manufactured home communities that existed before current municipal zoning regulations or that were in an area annexed by a city were allowed to continue operating under the ordinance to which they were subject before the zoning change or annexation. This is considered "nonconforming use" of the land, and in some cases, cities interpret their nonconforming use and abandonment ordinances such that current land-use requirements apply after existing homes are removed or replaced, which discourages people from updating their manufactured homes.

The bill would ensure community owners and tenants could replace existing manufactured homes with new ones within 12 months, without the threat of having their lots deemed abandoned by a municipality. Allowing for the installation of newer manufactured homes would help

address the concern that older manufactured home communities do not meet necessary health and safety standards due to the age of units.

SB 1248 also would prevent municipalities from imposing arbitrarily large setback requirements on manufactured home communities. Setback requirements for manufactured homes are sometimes much larger than the those for single-family home communities. This could be interpreted as a mechanism to make manufactured home communities unviable so that they have to close.

The bill would not represent an erosion of municipal zoning controls but rather would bolster the property rights of manufactured home owners and tenants who often involuntarily have municipal zoning imposed on them through annexation, forcing some of these communities to close.

SB 1248 also would establish a statewide standard for when a manufactured home community could be regulated by a municipality to create continuity across localities. The bill would clarify that land with multiple manufactured homes without a leasing component would not be considered a manufactured home community to be regulated, protecting family-owned land from unnecessary regulation.

OPPONENTS SAY:

SB 1248 would prevent a municipality from being able to impose its health and safety standards on certain manufactured home communities to ensure residents' wellbeing and safety. Because many manufactured homes and communities were built decades ago, they often do not meet current health and safety standards. Additionally, the owners of manufactured home communities often replace old homes with only slightly newer ones that still have significant issues. The ability of a municipality to impose certain standards is critical for making sure the residents of these communities are not living in hazardous conditions. The bill also would represent an erosion of zoning controls for municipalities by setting the precedent of establishing a special category of housing that would be outside the jurisdiction of a municipality's regulatory powers.

NOTES:

A companion bill, HB 1852 by Lucio, was reported favorably from the House Committee on Land and Resource Management on April 25.

SUBJECT: Making HHSC Sunset-related revisions and reinstating the system of care

COMMITTEE: Human Services — favorable, without amendment

VOTE: 8 ayes — Raymond, Frank, Klick, Miller, Minjarez, Rose, Swanson, Wu

0 nays

1 absent — Keough

SENATE VOTE: On final passage, May 3 — 31-0

WITNESSES: No public hearing

BACKGROUND: SB 200 by Nelson, the Health and Human Services Commission Sunset bill, established the Health and Human Services Transition Legislative Oversight Committee to facilitate the transfer of other health and human services agency functions to HHSC and the transfer and consolidation of administrative support services functions.

DIGEST: SB 1021 would require the commissioner of the Department of Family and Protective Services (DFPS) to be part of the Health and Human Services Commission (HHSC) Executive Council, regardless of whether DFPS continued as an agency separate from HHSC.

The bill would move up to July 31, 2018, from September 1, 2018, the date by which the HHSC executive commissioner would have to conduct a study and submit a report and recommendations to the Health and Human Services Transition Legislative Oversight Committee. The executive commissioner's report and recommendations would be required to include:

- a recommendation on the need for DFPS to continue as a separate state agency, unless a determination on the continuation already had been made;
- a recommendation on the need to continue the Department of State Health Services as a separate agency;

- an assessment of the quality and consistency of data sharing, communication, and coordination between DFPS and HHSC; and
- an assessment of any known or potential conflicts of interest concerning DFPS or HHSC licensing and regulation activities, including the process by which the agencies mitigate or manage known conflicts of interest.

SB 1021 would require the executive commissioner's July 31, 2018, report to the oversight committee to also include:

- the latest information available on HHSC's progress in transferring and consolidating the administrative support services functions of the health and human services system;
- recommendations on whether to abolish each statutory advisory committee that considered issues related to the health and human services system; and
- for each advisory committee that was recommended to be abolished, a recommendation on whether to re-establish the advisory committee by rule, consolidate the advisory committee with another committee, or permanently discontinue the advisory committee in any form.

SB 1021 would require the Health and Human Services Transition Legislative Oversight Committee, by December 1, 2018, to review the executive commissioner's report and recommendations and submit its own report and recommendations to the Legislature, including:

- a recommendation on the need for DFPS to continue as a separate state agency, unless a determination on the continuation was made before the date of the report;
- a recommendation on the need to continue the Department of State Health Services as a separate agency; and
- an assessment of and recommendations on data sharing, communication, and coordination between DFPS and HHSC.

SB 1021 also would reinstate the Texas system of care framework into Government Code, sec. 531.251 as it existed prior to being repealed by

the 84th Legislature.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

SUPPORTERS SAY:

SB 1021 would make minor but necessary adjustments to the Sunset process begun by SB 200 by Nelson in 2015. It would restore the framework of the Texas system of care consortium that was removed due to a drafting error and would clarify requirements for reports related to the status of the transfer and consolidation of the state's health and human services agencies.

The bill also would direct the Health and Human Services Commission (HHSC) executive commissioner to evaluate the need for dozens of advisory committees. Many committees that are duplicative or defunct remain in place even after the effort to streamline the process for public input last legislative session. The bill would allow the executive commissioner to monitor the status of the advisory committees, especially as the transition continues.

OPPONENTS SAY:

Many advisory committees already were eliminated or consolidated during the HHSC Sunset process. The executive commissioner does not need to evaluate whether to abolish more committees, which are providing important stakeholder input to the agency during the transition.

NOTES:

The companion bill, HB 2446 by Price, was referred to the House Human Services Committee on March 22.

SUBJECT: Amending procedures for certain regional water authority elections

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 8 ayes — Larson, Phelan, Ashby, Burns, Frank, T. King, Lucio, Price

0 nays

3 absent — Kacal, Nevárez, Workman

SENATE VOTE: On final passage, May 4 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 3674:*
For — Steve Bresnen, North Harris County Regional Water Authority; (*Registered, but did not testify*: Mark Evans, North Harris County Regional Water Authority)

Against — None

BACKGROUND: Election Code, sec. 2.053 authorizes a local government to declare an unopposed candidate elected to office upon receipt of a certification of unopposed status and to not hold an election. If no election is held, the government must post a copy of the order or ordinance at each polling place that would have been used.

DIGEST: SB 1085 would exempt the North Harris County Regional Water Authority from the requirement to post a notice at each polling place in the case of an election for the board of directors that was not held because the candidate was unopposed.

The bill would take effect September 1, 2017.

SUPPORTERS SAY: SB 1085 would save the North Harris County Regional Water Authority time and money by eliminating the requirement to post notice at each polling place stating that an election for a position to the board of directors was canceled due to a candidate running unopposed. The ballots at the polling place already are required to state that the uncontested

election was cancelled and that a winner was declared, so the requirement is a duplicative notice.

OPPONENTS SAY:

No apparent opposition.

NOTES:

A companion bill, HB 3674 by Roberts, was approved by the House on May 4 on the Local and Consent Calendar and referred to the Senate Committee on Intergovernmental Relations.

SUBJECT: Authorizing psychological counseling for certain grand jurors

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Moody, Hunter, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Code of Criminal Procedure, art. 56.04(f) allows commissioners courts to approve a program in which the crime victim liaison or victim assistance coordinator may offer to jurors or alternate jurors who have served in a criminal trial with graphic material up to 10 hours of post-trial psychological counseling.

DIGEST: SB 1264 would extend the option of psychological counseling through programs created under Code of Criminal Procedure, art. 56.04(f) to grand jurors and alternate grand jurors who were exposed to graphic material during an investigation.

The bill would take effect September 1, 2017.

SUPPORTERS SAY: SB 1264 would allow counties to extend to grand jurors the same psychological counseling services available to trial jurors who witness graphic evidence or testimony. The bill would be permissive and would pose no significant cost to counties or the Office of Court Administration, according to the fiscal note.

OPPONENTS SAY: No apparent opposition.

NOTES: A companion bill, HB 2085 by Alvarado, was reported favorably by the House Criminal Jurisprudence Committee on April 24 and placed on the General State Calendar for May 10.

SUBJECT: Amending Chambers County Improvement District road project authority

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 7 ayes — Coleman, Springer, Biedermann, Neave, Roberts, Thierry, Uresti

0 nays

2 absent — Hunter, Stickland

SENATE VOTE: On final passage, May 11— 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 2748*:
For — Howard Cohen, Chambers County Improvement District No. 2; (*Registered, but did not testify*: Chris Schulz, Chambers County Improvement District No. 2 Board of Directors; Adam Garrow, National Property Holdings, LLC)

Against — None

BACKGROUND: Special District Local Laws Code, ch. 3872 governs Chambers County Improvement District No. 2, which was created in 2009 through enactment by the 81st Legislature of SB 2511 by Williams. Its purpose is to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, and the public welfare in the district.

With voter approval, the district has authority to levy an operation and maintenance tax. Under sec. 3872.104, the district may design, acquire, construct, finance, issue bonds for, and improve macadamized, graveled, or paved roads or improvements. That section also authorizes the district to convey operation and maintenance of the same roads to the state, a county, or a municipality.

Some observers suggest that the current authority of Chambers County Improvement District No. 2 to finance and construct road facilities should

be extended to operate and maintain these roads, which would improve economic development opportunities in the area.

DIGEST:

SB 1260 would authorize Chambers County Improvement District No. 2 to own, operate, maintain, and improve macadamized, graveled, or paved roads or improvements, including other improvements located in or adjacent to road rights-of-way. The bill also would allow the district to issue notes or other obligations for these purposes.

The bill would maintain the ability of the district to convey a road project to a municipality, a county, or the state if the entity had approved the project's plans and specifications. Except by written agreement to assign operation and maintenance duties to a municipality, county, or the state, the district would operate and maintain any road project it authorized and did not convey to another entity.

SB 1260 would make various other changes to the statute governing the district and would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

NOTES:

The House approved SB 1260 on May 19 after considering it in lieu of a companion bill, HB 2748 by Faircloth.